

N. KEITH CHAMBERS
EXECUTIVE DIRECTOR

4. Complainant filed a *pro se* Complaint against the Respondent on December 29, 2008.
5. Complainant agrees that his Complaint was filed prematurely.

Conclusions of Law

1. Complainant is an individual claiming to be aggrieved by a violation of the Illinois Human Rights Act, ("Act"), 775 ILCS 5/1-102 *et seq.*
2. The Commission has the authority to determine whether jurisdiction over the matter exists.
3. Section 7A-102(G)(2) of the Act provides that an aggrieved party may individually file a complaint with the Commission between 365 and 395 days after the charge is filed, or such longer period agreed to in writing by all parties.
4. An aggrieved party may not file a complaint outside the 30-day time period provided by 7A-102(G)(2) of the Act.
5. If an aggrieved party files a complaint either before or after the 30-day period granted by 7A-102(G)(2), that complaint is a nullity and the Commission has no jurisdiction over it.
6. The Complaint is not timely because Complainant filed it before the 30-day time period had begun.
7. Because Complainant did not file his Complaint in a timely fashion, within the 30-day period provided by 7A-102(G)(2) of the Act, the Commission does not have jurisdiction over the Complaint.

Discussion

Respondent requests the Commission dismiss the Complaint because the Complainant failed to file his Complaint within the 30-day window in accordance with 775 ILCS 5/7A-102(G)(2). Complainant concedes that he filed the Complaint prematurely. The Commission has considered numerous cases in which aggrieved parties have filed

their own complaints outside the 30-day period. Whether those parties have filed their complaints after the period has begun or before the period has begun, the Commission has found the attempted filings to be jurisdictionally deficient. **David v. Human Rights Com'n**, 286 Ill App3d 508 (1997); *see also Heeter and Bd. of Ed. of Riverdale Community School Dist. 110*, IHRC, Dec. 23, 1994; **Brumzick and Intern'l Paper Co.**, IHRC, 5514(s), June 24, 1992.

Recommendation

I recommend that the Commission dismiss the Complaint, without prejudice.

HUMAN RIGHTS COMMISSION

BY: _____
REVA S. BAUCH
DEPUTY CHIEF ADMINISTRATIVE LAW JUDGE
ADMINISTRATIVE LAW DIVISION

ENTERED: APRIL 13, 2009